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BEFORE THE ARIZONA CORPORATION  
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COMMISSIONERS

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AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission  
DOCKETED

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DOCKETED BY [Signature]

IN THE MATTER OF THE APPLICATION OF  
MONTEZUMA RIMROCK WATER  
COMPANY, LLC FOR APPROVAL OF A  
RATE INCREASE.

DOCKET NO. W-04254A-08-0361

IN THE MATTER OF THE APPLICATION OF  
MONTEZUMA RIMROCK WATER  
COMPANY, LLC FOR APPROVAL OF A  
FINANCING APPLICATION.


DOCKET NO. W-04254A-08-0362

STAFF'S RESPONSE TO INTERVENER'S  
SECOND SUPPLEMENT TO MOTION AND  
REQUEST FOR PROCEDURAL  
CONFERENCE

On November 2, 2011, Intervener John Dougherty filed a Motion to Investigate Ex Parte Communications ("Motion") related to information that Utilities Division Staff ("Staff") provided in its Response to Procedural Order that was filed on October 31, 2011. On November 2, 2011, Mr. Dougherty likewise filed a Supplemental to Motion to Investigate Ex Parte Communications ("Supplement"). On November 7, 2011, Staff filed its response to the Motion ("Response") recommending denial of the Motion as it is based on significant misunderstandings of fact and law. On November 7, 2011, Mr. Dougherty filed a Second Supplemental to Motion to Investigate Ex Parte Communications ("Second Supplemental"). In the Second Supplemental, Mr. Dougherty refers to copies of email communications between the Montezuma Rimrock Water Company ("MRWC") and Staff in order to renew the Motion and has accused individual Staff members of violating or conspiring to violate *ex parte*. For all the reasons stated in Staff's Response, the Motion continues to be meritless and should be denied. In order to dispel any further confusion and clarify the record,

1 Staff requests a procedural conference be scheduled at the earliest convenience of the Hearing  
2 Division in order to discuss the Motion and Staff's Response.

3 RESPECTFULLY SUBMITTED this 8th day of November, 2011.

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6 Charles H. Hains  
7 Attorney, Legal Division  
8 Arizona Corporation Commission  
9 1200 West Washington Street  
10 Phoenix, Arizona 85007  
11 (602) 542-3402

12 **Original and thirteen (13) copies of**  
13 **the foregoing filed this 8th day of**  
14 **November, 2011, with:**

15 Docket Control  
16 Arizona Corporation Commission  
17 1200 West Washington Street  
18 Phoenix, Arizona 85007

19 **Copy of the foregoing mailed this**  
20 **8th day of November, 2011, to:**

21 Patricia D. Olsen, Manager  
22 MONTEZUMA RIMROCK WATER COMPANY  
23 P.O. Box 10  
24 Rimrock, Arizona 86335

25 Douglas C. Fitzpatrick  
26 Attorney for Montezuma Rimrock Water Company  
27 49 Bell Rock Plaza  
28 Sedona, Arizona 86351

John Dougherty  
P.O. Box 501  
Rimrock, Arizona 86335

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